

ALBINA TIKHONOV
14713 VALLEYHEART DRIVE
SHERMAN OAKS, CA [91403]
213-422-6225
Plaintiff *in Sui Juris*

8:20 a.m.
RECEIVED
Susan M. Spraul, Clerk
U.S. BKCY APP PANEL
OF THE NINTH CIRCUIT

DEC 10 2012

**UNITED STATES NINTH CIRCUIT COURT
OF
APPEALS**

FILED _____
DOCKETED _____
DATE INITIAL

ALBINA TIKHONOV-
(REAL PARTY IN INTEREST)
Plaintiff,

vs.

MORTGAGE
ELECTRONIC
REGISTRATION
SYSTEMS, INC.,
("MERS"); LISA
CLARK - an
individual as
Assistance
Secretary of MERS;
NIKOLE
SHELTON - a
foreign public
notary of the states
of Pennsylvania;
ETS SERVICES
LLC.; THE BANK
OF NEW YORK
MELLON TRUST
COMPANY
NATIONAL
ASSOCIATION
FKA THE BANK
OF NEW YORK
TRUST
COMPANY, N.A.
as A successor in

) **BAP No. CC-11-1698**
) Bk No. 1:11-bk-15614-MT

) Related cases:
) Case No.: BC487215

) **APPELLANT'S ALBINA TIKHONOV**
) **"EMERGENCY MOTION"**

) UNDER CIRCUIT RULE 27-3
) **IMMEDIATE RELIEF REQUESTED**
) **STAY OF SCHEDULED TRUSTEE SALE ON**
) **DECEMBER 10TH, 2012 AND ALL OTHER**
) **PROCEEDINGS PENDING APPEAL UNDER**
) **DEMAND FOR LIBEL OF REVIEW;**
) **(PLAINTIFF/APPELLANTS' MOTION FOR**
) **PRELIMINARY INJUNCTION AND**
) **APPLICATION FOR AN ORDER REQUIRING**
) **THE DEFENDANT TO SHOW CAUSE WHY**
) **THE INJUNCTION SHOULD NOT BE**
) **GRANTED**

APPELLANT'S ALBINA TIKHONOV
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interest to JP
MORGAN
CHASE BANK
N.A. as trustee for
RAAC 2006SP3,
DOES 1 TO 10,
INCLUSIVE

Defendants

ALBINA TIKHONOV et al, , plaintiffs in the above Styled case- **BAP No. CC-11-1698 ON APPEAL OF JUDGEMENT- Bk No. 1:11-bk-15614-MT and** defendants in civil case **BC487215**, Superior Court of California, Los Angeles Division, Los Angeles County, under authority of CACR rule 4:52 et seq., move the Court enjoin the Los Angeles County Sheriff from removing Albina Tikhonov and family et al, , from their residence at *14713 ValleyHeart Drive, Sherman Oaks, California* also identified as Township of Los Angeles County, and further Restrain and enjoin **EXECUTIVE TRUSTEE SERVICES, LLC dba ETS SERVICES LLC. ON BEHALF OF THE BANK OF NEW YORK MELLON TRUST COMPANY NATIONAL ASSOCIATION FKA THE BANK OF NEW YORK TRUST COMPANY,N.A. as A successor in interest to JP MORGAN CHASE BANK N.A. as Trustee for RAAC 2006SP3, DOES 1 TO 10,**'s representative from any act to remove Albina Tikhonov and family et al, or take possession of the property Located at *14713 ValleyHeart Drive, Sherman Oaks* until such time as Albina Tikhonov and Family et al,, **LAWFUL** Citizen's Petition (attached) can be Adjudicated on its Merits.

BRIEF IN SUPPORT

. It is not now, nor has it ever been Albina Tikhonov and family et al Citizen's

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intention to avoid paying any obligation that Albina Tikhonov and family et al ,
lawfully owe.

2. EXECUTIVE TRUSTEE SERVICES, LLC dba ETS SERVICES LLC, purporting to act on behalf of GMAC Mortgage, Inc., and THE BANK OF NEW YORK MELON, N.A. AS TRUSTEE ON behalf of CREDITOR J.P. MORGAN N. A., et al, have repeatedly refused to document and verify an Obligation which Appellants Albina Tikhonov and family et al may owe **Residential Capital LLC; GMAC Mortgage, Inc., and THE BANK OF NEW YORK MELON, N.A. AS TRUSTEE ON behalf of CREDITOR J.P. MORGAN N. A., as required by law.**

RJN (REVIEW OF THE APPELANTS' EXCERPTS

1. MARKED AS EXHIBIT B" Cease & Desist Demand- SERVICE UPON ETS SERVICES , LLC ET AL .
2. ALONG WITH

Notice of The Original Lender/Creditor's Residential Capital , LLC (DEBTOR'S) BANKRUPTCY FILING & PETITION UNDER A CHAPTER 11; U.S. Trustee's Settlement Agreements still being adjudicated in the state of NEW YORK .

3. MARKED EXHIBIT "A'- NTC OF TRUSYEE' SALE UNDER DEED OF TRUST Executive Trustee Services, LLC , dba ETS SERVICES LLC in Burbank California refuses to enjoin its pending sale on 12/10/2012 at 11:00A.M. , IN POMONA, CA
4. THE RESPONDENTS ETS SERVICES AS AN ALLEDGED DULY AUTHORIZED TRUSTEE HAS REFUSED TO STOP THE SALE AND DO HIS DUTY UNDER FACT OF MATTER AND NOTICE OF DISPUTE OF CREDITOR'S CLAIM ASSERTED THEREIN THE RES.

SEE : Attached Exhibits and Excerpts of record served upon Appellant(s) Albina Tikhonov et al, at the subject real property at issue of this emergency motion for stay pending appeal, to enjoin the Scheduled Trustee by Executive Trustee Services, LLC , dba ETS SERVICES LLC in Burbank California;

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4. Appellants Albina Tikhonov and family et al, will suffer irreparable harm by denial of this preliminary injunction. Appellants Albina Tikhonov and family et al have lived at 14713 VALLEYHEART DRIVE, SHERMAN OAKS, CA, 91403, for many years together with their children. Appellants Albina Tikhonov and family et al will lose their abode and suffer irreparable harm by denial of this preliminary injunction. Appellants Albina Tikhonov and family et al will suffer insult, degradation, and deprivation of personhood by denial of this preliminary injunction.

4. Appellants Albina Tikhonov and family et al are likely to prevail in the attached petition. The record in the underlying case makes Appellants Albina Tikhonov and family et al's averments undeniable.

5. Public interest will not be impaired by granting this preliminary injunction. The public interest will be impaired by denial of Appellants Albina Tikhonov and family et al 's **preliminary injunction by public awareness that citizens can be victimized by those who declare themselves to be of a superior class.**

6. Appellants Albina Tikhonov and family et al have no other remedy at law to protect themselves from **parties records show have conspired to deprive them of their most fundamental rights.**

7. Denial of Appellants Albina Tikhonov and family et al 's preliminary Injunction will cause Appellants Albina Tikhonov and family et al to bear a greatly Unbalanced harm. **Residential Capital LLC; GMAC Mortgage, Inc., and THE BANK OF NEW YORK MELON, N.A. AS TRUSTEE ON behalf of CREDITOR J.P. MORGAN N. A.,**'s harm would be delayed possession.

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Appellants Albina Tikhonov and family et al's harm will be loss of abode, damage to reputation and character, and assault on personhood.

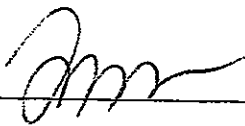
8. Denial of Appellants Albina Tikhonov and family et al's preliminary injunction goes beyond economic injury.

9. The cost to the court on error later corrected to the favor of Residential Capital LLC; GMAC Mortgage, Inc., and THE BANK OF NEW YORK MELON, N.A. AS TRUSTEE ON behalf of CREDITOR J.P. MORGAN N. A., is not as great as the cost to the Court for error later corrected to Appellants Albina Tikhonov and family et al 's favor.

10. Granting Albina Tikhonov and family et al's Motion for Preliminary Injunction conserves the property no matter who prevails. Denial of Appellants Albina Tikhonov and family et al's **Motion for Preliminary Injunction directly effects the property by reducing it to a status of a bell which can't be "unrung."**

California rules governing civil practice require this Court to conduct a show cause hearing requiring the defendant to appear and be recorded verbatim. Ideals of substantial justice and fair play require this Court grant Albina Tikhonov interim relief until **their complaint can be adjudicated** under due process clause of the United States of America Constitutions via (14th amendment; Sixth Amendment)

Prepared and submitted by: _____


ALBINA TIKHONOV ET AL
(APPELLANT(S))

**APPELLANT'S ALBINA TIKHONOV
"EMERGENCY MOTION"**

UNDER CIRCUIT RULE 27-3

IMMEDIATE RELIEF REQUESTED

STAY OF SCHEDULED TRUSTEE SALE ON DECEMBER 10TH, 2012

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RJN
REVIEW OF THE
APPELANTS' EXCERPTS

Attached hereto: A & B

1. **MARKED AS EXHIBIT A"**

Cease & Desist Demand-

SERVICE UPON ETS SERVICES, LLC ET AL '

**ALONG WITH Notice of The Original Lender/Creditor's Residential
Capital, LLC (DEBTOR'S) BANKRUPTCY FILING & PETITION
UNDER A CHAPTER 11; U.S. Trustee's Settlement Agreements still
being adjudicated in the state of NEW YORK .**

2. **MARKED EXHIBIT "B'- NTC OF TRUSTEE' SALE UNDER DEED OF
TRUST Executive Trustee Services, LLC, dba ETS SERVICES LLC in
Burbank California refuses to enjoin its pending sale on 12/10/2012 at
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